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ORIGINALLY FILED

Attorney Docket No. 2100632-991121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jan Wasowicz et al.

Serial No: 09/912,681

Group Art Unit:

Filed: July 24, 2001

Examiner:


Unknown

Title: DIAGNOSTIC SYSTEM AND METHOD FOR PHONOLOGICAL  
AWARENESS, PHONOLOGICAL PROCESSING. AND READING SKILL  
TESTING

RECEIVED  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: BOX MISSING PARTS, Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

February 15, 2002

  
Linda West

\*\*\*

DECLARATION OF TIMOTHY LOHSE IN SUPPORT OF PETITION  
UNDER 37 C.F.R. § 1.47(a) and 35 USC § 116  
FOR FILING OF APPLICATION WHEN AN INVENTOR REFUSES TO SIGN

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

I, Timothy W. Lohse, do hereby declare and state as follows:

1. I am an individual over the age of 18 and I am a partner at Gray Cary Ware & Freidenrich where I represent Cognitive Concepts, Inc. ("CCI") in a capacity as their patent attorney. I have personal knowledge of the facts set forth in this Declaration and, if called and sworn as a witness, I could and would competently testify thereto.

2. On November 7, 2001, at the request of Dr. Janet Wasowicz, Joseph Bogdan sent an electronic mail message ("e-mail") to Dr. Janet Wasowicz and myself that had, as attachments, the complete copy of the patent application including the specification, claims and drawings for US Patent Application No. 09/912,681 (the "'681 Patent Application"). A true and correct copy of the e-mail (without the complete attachments) is attached as Exhibit

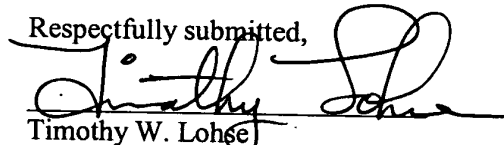
A.

3. After Dr. Janet Wasowicz was sent the complete copy of the '681 Patent Application, Joseph Bogdan and I spoke to Dr. Wasowicz on November 7, 2001. Dr. Janet Wasowicz had already received a copy of the formal documents, including the Declaration/Power of Attorney and Assignment. At that time, she indicated that she needed more time to review the application and the claims before being in a position to sign the formal documents.

4. On February 11, 2002, I sent Dr. Janet Wasowicz a preliminary amendment to resolve an issue that Dr. Wasowicz had with the '681 Patent Application and resent the Declaration/Power of Attorney and Assignment forms by e-mail. In the message, I offered to resend the entire patent application if she has misplaced the original provided to her in November. A true and correct copy of the e-mail (without the enclosures) is attached as Exhibit B.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. I further declare that this Declaration is executed this 15th day of February, 2002, at Palo Alto, California.

Respectfully submitted,



Timothy W. Lohse  
Reg. No. 35,255

CONFIDENTIAL - SECURITY INFORMATION

**Lohse, Tim thy**

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**Fr m:** Joe Bogdan [jbogdan@earobics.com]  
**Sent:** Wednesday, November 07, 2001 7:07 AM  
**To:** Jan Wasowicz (E-mail)  
**Cc:** Timothy W. Lohse (E-mail)  
**Subject:** Diagnostic System and Method, etc.



9911211st.PDF



9911212nd.PDF



9911213rd.PDF



9911214th.PDF



991121drg.PDF

J:

As we discussed, attached are the relevant documents for review regarding the Diagnostic System and Method, etc., U.S.P.T.O. Application Serial No. 09/912,681.

Due to the large size of the application, the description is in four sections and Tim has numbered them so that they can be reassembled. Thus, the files are: 9911211st, 9911212nd, 9911213rd and 9911214th, along with 991121drg which is the drawings.

Let me know if you need anything else.

Thanks.

jjb

<<9911211st.PDF>> <<9911212nd.PDF>> <<9911213rd.PDF>> <<9911214th.PDF>>  
<<991121drg.PDF>>

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**EXHIBIT A**